MR. SPEAKER :—" The question is—

' That the Tuticorin Port Trust (Application to Mangalore) Bill, 1953, as amended, be passed into law.' "

The motion was put and carried and the Bill was passed into law.

(6) THE MADRAS PRESERVATION OF PRIVATE FORESTS (AMENDMENT) BILL,[a] 1953.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" I beg to introduce the Madras Preservation of Private Forests (Amendment) Bill, 1953, and move—

' *That the Bill be taken into consideration at once.*'

" Sir, this Bill is necessitated in this manner. Now in Malabar and South Kanara districts, there are blocks of forests of more than a hundred acres which are situated contiguously and protected from indiscriminate felling of trees. In the working of the Act, some difficulties were found. That is, the owners of these forests circumvent the law by leasing out or mortgaging and also when there are joint-holders and when there are different claimants to it, they take advantage of that and the purpose of the law is defeated.
12–20 p.m. Now it is sought to amend the Act so as to bring the indiscriminate felling in areas under 100 acres under the purview of the law. There is another provision with regard to the date. The Act provides that any alienation of private forest on or after the 16th August 1916 shall be null and void. Some new forests may come into existence and we have altered the date suitably. Therefore, this amending Bill is necessary. I request the House to take the Bill into consideration at once."

MR. SPEAKER :—" The motion before the House is—

' That the Madras Preservation of Private Forests (Amendment) Bill, 1953, be taken into consideration at once."

* SRI VAVILALA GOPALAKRISHNAIAH :—" Mr. Speaker, I move—

' *That the Madras Preservation of Private Forests (Amendment) Bill, 1953, be referred to a Select Committee.*'

Sir, I think my friends from Malabar will be able to speak more exhaustively on this subject than myself. We are not able to understand the implications of this amending Bill. While supporting my amendment, I leave the details to my friends from Malabar.'

SRI T. C. NARAYANA NAMBIAR :—" Sir, I second the amendment moved by my hon. Friend Sri Vavilala Gopalakrishnaiah."

* SRI R. KRISHNAN :—" Mr. Speaker, Sir, ബഹുമാനപ്പെട്ട മെമ്പർ ശ്രീ വാവിലാല അവതരിപ്പിച്ച ഭേദഗതിയെ ഞാൻ സപ്പോർട്ട് ചെയ്യുകയാണ്. മലബാറിലെ സ്ഥിതി ആലോചിക്കുകയാണെങ്കിൽ നിലവിലുള്ള വനസംരക്ഷണ നിയമങ്ങൾ നമ്മുടെ വന സമ്പത്ത് രക്ഷിക്കുവാൻ ഒട്ടുംതന്നെ പര്യാപ്തമായിട്ടില്ല. ഈ ബില്ലിന്

[a] Published in the *Fort St. George Gazette*, dated 17th June 1953.

ഗവമ്മേണ്ട് കൊണ്ടുവന്നിട്ടുള്ള ഭേദഗതികൊണ്ട് 100 ഏക്രയിൽ അധികം വരുന്ന വനങ്ങളെ രക്ഷിക്കുവാനുള്ള ഉദ്ദേശമാണെങ്കിൽ ഇതിന്ന് മുമ്പുതന്നെയുള്ള നിയമങ്ങൾ പ്രകാരം പതിനായിരക്കണക്കിലുള്ള ഏക്കർ ഒന്നിച്ചു കിടക്കുന്ന വനങ്ങളെ രക്ഷിക്കുവാൻ അവക്കു സാധിച്ചിട്ടില്ല. ഈ വനങ്ങളുടെ ഉടമകൾ എത്ര ആയിരം ഏക്കർ ഉണ്ടെങ്കിലും ഒന്നിച്ചു കരാറു കൊടുക്കുന്നു. ഈ കരാറ് അനുസരിച്ച് വലിയ മരങ്ങൾ മാത്രമെ വെട്ടുവാൻ നിവൃത്തിയുള്ളുവെങ്കിലും ഡിപ്പാർട്ട്മെൻറിൻെറ അഴിമതികളും ഉദാസീനതയും കാരണം ഈ കാട്ടുകളിൽനിന്നും എത്രയോ മരങ്ങൾ മുറിച്ചുപോകുന്നുണ്ട്. അതുകൊണ്ട് ഈ ഭേദഗതി കൊണ്ടുമാത്രം നമ്മുടെ വനങ്ങളെ രക്ഷിക്കുവാൻ തീച്ചയായും സാദ്ധ്യമല്ല. ഇന്നുള്ള പ്രയ്‌വററ് വനങ്ങൾ, 100 ഏക്രയിൽ കൂടുതൽ ഉള്ള വനങ്ങൾ മുഴുവനും ഗവമ്മേണ്ട് ഫോറസ്റ്റ്കൾ ആക്കുകയാണെങ്കിൽ മാത്രമെ ഈ വനങ്ങളെ രക്ഷിക്കുവാൻ സാധിക്കുകയുള്ളു എന്നാണ് മലബാറിൻെറ അനുഭവം. കാരണം ഗവമ്മേണ്ടു ഫോറസ്റ്റ്കളിൽ മാത്രമാണ് ഇന്ന് പ്രായോഗികമായ വന സംരക്ഷണം നടപ്പിൽ വന്നിട്ടുള്ളതു്. പ്രയ്‌വററ് ഫോറസ്റ്റ്കൾ ദിവസംതോറും നശിച്ചുകൊണ്ടു വരികയാണ്. എൻെറ നിയോജകമണ്ഡലത്തിലും എന്നുവേണ്ട പാലക്കാട്ട് താലൂക്കിൽതന്നെ ജന്മിമാരുടെ വനങ്ങൾ മിക്കവാറും നശിച്ചുകഴിഞ്ഞിരിക്കുകയാണ്. കാരണം ഉടമസ്ഥന്മാരുടെ അനാസ്ഥകൊണ്ടും ഡിപ്പാർട്ട്മെൻറിൻെറ ഉദാസീനതകൊണ്ടും വനങ്ങൾ നശിച്ചുകൊണ്ടു വരികയാണ്. കൊച്ചിൻ ഫോറസ്റ്റ് നിയമം നമുക്കു ഒരു മാതൃക ആയിരിക്കണം എന്നാണ് എനിക്കു പറയുവാനുള്ളതു്. ഇത്തരത്തിലുള്ള നിയമനിമ്മാണം നമുക്കു ആവശ്യമാണ്. കൊച്ചിയിൽ ഉള്ള നിയമത്തിൽ ഞാൻ കാണുന്ന ഒരു തകരാറ് ആ വനങ്ങളുടെ അടുത്തു് താമസിക്കുന്ന കൃഷിക്കാൎക്ക് കാട്ടുകളിൽനിന്ന് തോലും വിറകും എടുക്കുന്നതു് ആ നിയമം തടസ്ഥപ്പെടുത്തിട്ടുണ്ട് എന്നുള്ളതാണ്. അത്തരത്തിലുള്ള നാട്ടുകാൎക്ക് അനുകൂലമല്ലാത്ത വ്യവസ്ഥകൾ ഒഴിവാക്കികൊണ്ട് കൊച്ചിൻ ഫോറസ്റ്റ് നിയമം അനുസരിച്ച് ഒരു നിയമം ഇവിടെയും കൊണ്ടുവരണം എന്നാണ് എനിക്ക് അഭിപ്രായപ്പെടുവാനുള്ളതു്. ''

SRI T. C. NARAYANA NAMBIAR :—" Sir, in rising to support the amendment, I wish to say a few words. I come from a constituency where there are vast forests and the Government have brought forward this amending Bill to stop illicit felling of trees. It is not as if illicit felling of trees is resorted to for want of a provision in the Act. It is due to lack of co-operation on the part of officers who purposely do not book the people or take cognizance of the offence of illicit felling, by taking bribes. Sir, mine is a constituency where fugitive cultivation is the mainstay of the people. In between the blocks of forests, there are arable lands and I can show many instances where fugitive cultivators are not permitted to cultivate. Another point is, even though the landlords have got vast lands, as my comrade Mr. Krishnan put it, these forests are kept under the ownership of big landlords. As the foersts are the national wealth, some legislation will have to be introduced in this regard. As all these cannot be discussed on the floor of the House, I support the amendment referring the Bill to a Select Committee."

* DR. K. B. MENON :—" Mr. Speaker, Sir, I accept the invitation of the mover of the amendment to support his amendment. It is a big problem that affects the whole of Malabar which is full of hills and mountains. It is our experience that these forests are not taken good care of and that trees are illicitly cut. When I raised this in a supplementary question, the Hon. Chief Minister evaded the issue. I do not believe that it was a purposeful evasion. But whatever that be, it is a fact that illicit

cutting of trees by capitalist interests, apart from the poor people, doing it for their day-to-day use is going on on a large scale in the forests of Wynaad and adjoining areas. We do not mind the poor people taking their daily needs from the forests. It is said that the forest laws in Cochin State allow certain amenities to the people. It is a fact and I believe the Government of Madras also would consider giving some of those amenities to our people. It must be considered very carefully for some people may take undue advantage of these concessions and abuse them. Whatever that be, one cannot but point out that the forest laws are not properly enforced, that there is large scale illicit cutting in these forests, that there is not replanting of trees and that the forests in Wynaad and the adjoining areas are being denuded to the extent that there is erosion. Recently a member of the Board of Revenue visited Wynaad in connection with the study of the colonization schemes and we were told that he was also considerably impressed by the denudation of forests in those areas.

12-30 p.m. "In the amendment before the House we have asked for a Select Committee to be appointed in order to go into that problem in detail. If we do not get sufficient votes in the Assembly to carry our amendment through, I would request the Government to take note of what we have said and at least appoint an expert committee which would go into that question in full, study the problems carefully and save the forests of South India."

SRI C. H. KANARAN :—" Mr. Speaker, Sir, Forest Preservation Act സംബന്ധിച്ച് അതു് ഒരു സെലക്റ്റ് കമ്മിററിക്കു അയക്കണം എന്ന അഭിപ്രായത്തെ ഞാൻ പിൻതാങ്ങുന്നു. മലബാറിനെ സംബന്ധിച്ചേടത്തോളം ഇതു് വളരെ പ്രധാനപ്പെട്ട ഒന്നാണ്. Estate Ghats എന്നു് പറഞ്ഞാൽ മുഴുവനും ഫോറസ്റ്റ് പ്രദേശമാണ്. രണ്ടു തരത്തിലുള്ള വിഷമതകൾ ഇന്നു നിലവിലുണ്ടു്. ഇന്നു കാടുകളിൽ ഇഷ്ടാനുസരണം മരം മുറിക്കുകയും ആവക സ്ഥലങ്ങൾ തരിശാക്കിയിടുകയുമാണു് ചെയ്യുന്നതു്. ഈ നില തുടരുകയാണെങ്കിൽ ഫോറസ്റ്റ് എന്നുള്ളതു് ഇല്ലാതാകും. എന്തിനെയാണു് ഈ കാടുകളെല്ലാം മരം മുറിച്ചു് തരിശാക്കി മാററുവാൻ സാധിച്ചതു് എന്നു നോക്കുകയാണെങ്കിൽ (വലിയ കച്ചവടക്കാരും) പ്രധാനപ്പെട്ട ഉദ്യോഗസ്ഥന്മാരും കൂടിചേർന്നുകൊണ്ടു് എന്തും ചെയ്യാൻ സാധിക്കും എന്നുള്ള നിലയാണു് മലബാറിലുള്ളതു്. ഈ രാജ്യത്തിൽ വലിയ മരക്കച്ചവടക്കാരായ ആളുകൾക്കു് ലക്ഷക്കണക്കിനുള്ള ഉറുപ്പികക്കുള്ള മരം വില്ക്കുവാനുള്ള സാദ്ധ്യതകളുണ്ടു്. അതേ സമയത്തു് ചെറിയ ചെറിയ തോതിൽ മരം മുറിച്ചെടുക്കണം എന്ന ആഗ്രഹമുള്ള ആളുകൾക്കു് അതിനു സാദ്ധ്യമല്ലതാനും. അങ്ങിനെ വൻകച്ചവടക്കാരായ ആളുകൾക്കു് ധാരാളം മരം വെട്ടിമുറിക്കുവാൻ സാധിക്കുന്നതുകൊണ്ടു് ഇന്നു വളരെ അധികം കാടുകൾ നശിച്ചിരിക്കയാണു്. അതിനെ തടയേണ്ടതായിട്ടുണ്ടു്. മറെറാന്നു് സാധുകൃഷിക്കാരെ സംബന്ധിച്ചുള്ളതാണു്. മലകളുടെയും കാടുകളുടെയും നടുക്കുതന്നെ കൃഷിചെയ്യുവാൻ സാധിക്കുന്ന സ്ഥലങ്ങളുണ്ടു്. ഈ സ്ഥലങ്ങൾ സാധുകൃഷിക്കാർ കൃഷിക്കു ഉപയോഗപ്പെടുത്തുകയാണെങ്കിൽ അവരുടെമേൽ കേസ്സുകൾ കൊണ്ടുവരികയാണ് ചെയ്യുന്നതു്. ഇത്തരം അനവധി കേസ്സുകൾ ഇന്നു നിലവിലുണ്ടു്. എന്താണു് കേസ്സുകൊടുക്കുവാനുള്ള തെളിവു്. കൃഷിചെയ്തിട്ടുള്ള സ്ഥലത്തോടു് ഒരു ഫോറസ്റ്റ് പ്രദേശം തൊട്ടുകിടക്കുന്നു എന്നുള്ളതാണു്. അതുകൊണ്ടു് കൃഷി ചെയ്യുവാൻ പററുന്ന സ്ഥലങ്ങളെല്ലാംതന്നെ കൃഷിചെയ്യുവാൻ അനുവദിച്ചു കൊടുക്കണം എന്നാണു് മറെറാരു പ്രധാന നിർദ്ദേശം കൊണ്ടുവരുവാനുള്ളതു്. ഈ രണ്ടു പ്രധാന മാററങ്ങളെ സംബന്ധിച്ചു പരിശോധിക്കേണ്ടതായിട്ടുണ്ടു്. ഒന്നു മരം മുറിച്ചു് ഫോറസ്റ്റ്കൾ ഇല്ലാതാക്കുവാൻ ഉള്ള സാദ്ധ്യത ഇല്ലാതാക്കുക. മരം മുറിക്കുന്ന ആളുകൾക്കു അവിടങ്ങളിൽ രണ്ടാമതും മരം വെച്ചു് പടിപ്പിക്കുവാനുള്ള ബാദ്ധ്യതയില്ല. രണ്ടാമതു് ഫോറസ്റ്റുകളുടെ നടുവിലുള്ള കൃഷിസ്ഥലങ്ങളെ സംബന്ധിച്ചേടത്തോളം കൃഷിചെയ്യുവാൻ

28th July 1953] [Sri C. H. Kanaran]

സൌകര്യങ്ങൾ ഉണ്ടാക്കി കൊടുക്കണം. ഈ നിയമത്തിൽ എന്തെല്ലാം ഭേദഗതികൾ കൊണ്ടുവരണം എന്നു പരിശോധിക്കേണ്ടതായിട്ടുണ്ട്. കൂടുതൽ ആലോചിച്ചുകൊണ്ട് ഇതിൽ വരുത്തേണ്ട മാററങ്ങളെ പററി ഇന്ന് എനിക്ക് സംസാരിക്കുവാൻ സാദ്ധ്യമല്ല. മററു മെമ്പർമാക്കും സംസാരിക്കുവാൻ സാദ്ധ്യമാകുന്നതല്ല. ഈവക കാര്യങ്ങളെ പററിയെല്ലാം ചർച്ചചെയ്യുവാനും വേണ്ടപ്പെട്ട ഭേദഗതികൾ കൊണ്ടുവരുവാനും ആണ് ഈ ബില്ല് ഒരു സെലക്ട് കമ്മിററിക്ക് അയക്കണമെന്നു ഞാൻ ശക്തിയായി അഭിപ്രായപ്പെടുന്നത്. "

SRI V. R. KRISHNA AYYAR :—" Mr. Speaker, Sir, I support the motion that has been brought here in this House for referring this amending Bill to a Select Committee. I wish to impress upon the Hon. Minister who is responsible for this Bill, certain features which call for considerable thought and careful handling. The Madras Private Forests Preservation Act, familiarly known as the M.P.P.F. Act in courts, was passed in the year 1946. Among the various enactments that were passed in a hurry during October 1946, this Act was one. At that time it was explained that the Act would be applicable only for two years and that in the meantime Government would bring forward a comprehensive legislation. At any rate that was the wording used by the then Hon. Minister who piloted the Bill. Two years' period elapsed. Again it was extended. In the meantime no comprehensive forest policy was evolved. No Act embodying any comprehensive forest policy was piloted. We should know that our forests are not merely private property or Government property but they are our nation's wealth. Where are we now? We are in 1953. The Bill was first piloted in 1946. Seven long years have elapsed. Have the Government done anything tangible? Have they evolved any comprehensive forest policy? The answer is 'No.' What do we find here now? An amending Bill merely for the sake of extending the life of the M.P.P.F. Act for another two years more. All these seven long years nothing has been done to mark out or chalk out or delineate any comprehensive or effective forest policy. My first submission therefore to this House and to you, Sir, is that this is not the first time the Government are indulging in the kind of patchwork legislation, if I may use the term. Right from 1946 they have been accustomed to this kind of routine extension to suit the convenience of some Collector who had found some difficulty or other in the working of the Act. Only to rectify some administrative difficulties in the working of the Act, Government come forward with some verbal amendments. But that should not be the attitude which the Government should adopt. Let them note that we, hon. Members of the House are not interested in this kind of patch-work legislation. South India is famous for its forest wealth. Malabar is noted for its timber not only throughout South India but also throughout India. We want an intensive comprehensive forest policy by which the wealth of our forests would be preserved, nay enriched also. We await such kind of legislation. Let me once again repeat that we are not at all satisfied with patch-work legislation. South India is rich in forests. She is noted in the fields of sericulture and horticulture. Let the Government ponder over this

matter carefully, take some time and bring in a comprehensive legislation. Again and again the cry is afoot from the public that we should conserve and not waste our forest wealth. It was suggested in 1947 in the K.P.C.C. Committee—I do not know whether the Hon. Minister is aware of the same—that effective measures should at once be taken for preserving our forest wealth. Six years have passed. We feel disappointed. Let the Government take note of the same. Let them bring in a comprehensive legislation.

"Sir, as you are aware, Malabar is noted for its forest wealth. It is reputed for its timber. Timber is exported not only to all parts of South India. They go to Bombay and other northern parts also. There are two kinds of forests in Malabar. One is the reserved forests, that is forests that are owned by Government. The other is called private forest. These private forests, which cover a very wide area in Malabar, are owned by very rich jenmies who are the virtual proprietors of those forests. These jenmies do not very much worry about their forests. As such indiscriminate use of their entire forest wealth is made. They do not take proper action. The Government do not interfere. What is the result? The nation's wealth is reduced, I might even say, abused. Preservation of Private Forests Act should be enforced on correct lines. Promiscuous abuse of the private forests of the jenmis is now going on. That should be stopped.

"From very early times, ever since 1880 the Madras Government seem to have been too much concerned with the ruinous way in which our forests wealth was being reduced. There is a fund of literature in our Legislature Library on that subject. If one were to go through the literature that is there one will verify for oneself the devasting way in which the forests of Malabar had been ruined. We are now in 1953. Still not a single comprehensive enactment enunciating an effective and definite forest policy had come into existence. What is it that we find defective in this present M.P.P.F. Act? The big merchants, I may call them by the name of 'sharks', are not punished. With a permit for cutting down hundred trees, they cut down 1,000 trees. Nobody takes note of the same. All the cut pieces are at once transported by lorries. The 'sharks' amass huge profits. After all who is there to supervise? There are only the petty forest rangers and guards who could easily be brought round by bribing. That is how things go on. I am a little bit happy to note that the Government have of late taken effective steps to root out the rampant corruption in the Forest department. These 'sharks' are thus let off. But what happens to a small 'fish', I am using this term in contra-distinction to the term 'shark', I mean the petty villager who cuts down the branches for either domestic or some other purpose or who tries to cultivate on a patch of reserved
2-40 p.m. forest land. He is brought to book and is punished. As a practising lawyer I am accustomed to these trival cases in the courts. These gullible folk and innocent cultivators are asked to give

applications to the Collector for permission to cultivate. These applications are sent to the Collector by the Forester concerned. Then the Collector says ' No permission for cultivation will be granted but prosecution will be launched because you have already cut the trees '. This kind of harassment is going on. The result is that there is no popular support for the implementation of this particular measure. Nobody can gainsay the fact that forest wealth must be preserved. Even the K.P.C.C. report said that forests must be owned by the Government and not allowed to private or individual owners. It is time that this immediate and fundamental step is given effect to by absorbing all private forests in Malabar by Government and these forests should be made Government forests so that we can have an effective supervision of them and cutting should be done in a regulated manner or according to some scientific procedure. This is the first step to be taken. Even the implementation of this temporary legislation—the M.P.P.F. Act is only a temporary legislation and is awaiting the enunciation of a permanent forest policy—is not being worked out properly because it is now being used for harassment. I have not the slightest hesitation in saying that contiguous forests on one hundred acres must always be preserved irrespective of the fact whether it is owned by the Government or by any private individual. We are not concerned with the ownership or plurality of ownership. But, in practice, how does it work? What happens in Malabar? I do not know whether the Hon. Minister is aware of the terrain of Malabar. I wish he comes to Malabar as frequently as possible. One hundred acres could be made an engine of oppression. You can find jungle, brier and bushes all over Malabar. Now, there is no definition under the M.P.P.F. Act clearly defining what is a ' forest '. Unless you are told what is a forest, one finds it extremely difficult to find out what is a forest. We find paddy fields surrounded by jungles or some bush. In such cases, the prosecution brings home the guilt to the accused person saying ' Here is a forest '. If we say that it is not a forest because there are houses or paddy fields, the Court says that there is no definition for the word ' forest '. It says : ' It may be a forest or it may not be a forest. But in the old revenue records of 1930 (the revenue resettlement in Malabar was in that year) it is entered as " forest ". Therefore I convict the accused '. That kind of thing is now taking place. Therefore the first thing that should be done now is that people must be told what exactly are forests which should not be denuded or from where trees should not be cut. The poor cultivator because he cuts a tree for the purpose of clearing a particular area is now penalized for such cutting. It may be that there is just but one tree and all the rest may be grassy area where cultivation could be carried on. Even then he is committed to Court and is called upon to establish that it is not a forest. Some village officer or karnam will come and give evidence that it is a forest. The poor accused has simply to submit himself to a conviction. This is how the Act is being enforced. It is for this reason that I say that the Executive and the Judiciary

must be immediately separated because the Collector of Malabar oftentimes has an eye on accused persons who are acquitted. The real point is that these small 'fry' who just cultivate areas where there may be some bush or some kind of thickets are brought before the courts for violating the M.P.P.F. Act. So the most urgent thing is to tell the people clearly "These areas are forests under the Act. You shall not tamper with that area or cut any trees from that area". For that there must be some kind of notification and if once people know what are forests, they may not cut trees from those areas because they will have previous notice and warning.

"Now, in Malabar, there is extreme pressure of population. On account of this pressure of population, we find people going on cultivating in areas which are not now available. Waste lands have to be brought under cultivation. We find considerable areas of waste lands which are really fit for cultivation because they are arable waste. But if they are directly put under the plough, immediately some forest ranger or guard comes and says 'Unless you shell out some money, I will report the matter to the Collector.' We must therefore know what are waste lands which are cultivable and what are forests which are not cultivable. There is no precise definition of the word 'forest' and that leads to considerable harassment. I therefore submit that these are matters for enunciation in a consolidated and comprehensive forest policy. The second point is that in country parts especially in a district like Malabar where one might find thickets everywhere, it is easy to oppress people. The third point is that there are a large number of areas where clearing has taken place already. They are no longer forests to-day. Once upon a time they might have been forests. But to-day they have been cleared and colonies have been formed and hundreds of people live there. But still, according to the Government records, they are forests. It looks as though these people are allowed to live there because prosecutions can be easily launched. There is no point in enforcing the Act in this manner and subjecting the people to harassment. These matters should be gone into.

"The last point is the conflict between the Malabar Tenancy Act and the M.P.P.F. Act. I invite the attention of the Hon. Minister to this particular aspect. Under section 52-B of the Malabar Tenancy Act, the Government may require the landlord of any waste or forest land to lease it for agricultural purposes to any person. Thus, the State Government may grant a lease of a forest on application. But under the M.P.P.F. Act no lease granted in respect of a forest shall be valid, and such a lease shall be null and void. So there is a conflict between these two statutes. This matter came up for discussion at a meeting of the District Forest Committee when a motion was made to the Collector to grant a lease of the forest. The Collector said, "There is one statute which says that a lease of the forest land can be granted. There is another statute which says that I must prosecute the person who is granted such a lease. I do not know

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which to follow.' I said that the statute which allowed for more production should be followed. The whole enactment bristles with difficulties and drawbacks. We have to take stock of these matters and then refer the matter to a Select Committee so that the collective wisdom brought into play by the Select Committee may work for the benefit of all. It is my anxiety and concern that these forests must be preserved and must prosper as matters of public ownership. I therfore request the Government to agree to a reference being made to the Select Committee.''

* **Sri K. C. GOPALANUNNI** :—'' **Mr. Speaker, Sir,** വനസംരക്ഷണ 12·50 p.m.
നിയമത്തിൽ കൊണ്ടുവരുന്ന ഭേദഗതികളെ സംബന്ധിച്ച് മലബാറിൽനിന്നുള്ള മെമ്പർമാർ പറഞ്ഞതിനെ ഞാൻ പരിപൂർണ്ണമായും അനുകൂലിക്കുകയും അതു് ഒരു സെലക്ട് കമ്മിറ്റിക്ക് അയക്കണം എന്ന അഭിപ്രായത്തെ പിൻതാങ്ങുകയുമാണ് ചെയ്യുന്നതു. അതോടുകൂടി ചില്ലറകച്ചവടക്കാരെ ദ്രോഹിക്കാനല്ലാതെ വൻജന്മിമാരെ കാടുകളിൽനിന്നു മരം മുറിക്കുന്നതിൽനിന്നു തടയുന്നതിന്നല്ല ഈ നിയമത്തെ ഉപയോഗിക്കുന്നതെന്നു തെളിയിക്കുവാൻ സാധിക്കും എന്നാണ് എനിക്കു പ്രത്യേകമായി പറയുവാനുള്ളതു്. ഒരു ഉദാഹരണം മാത്രം ഞാൻ ഇവിടെ പറയാം. ഏറനാടു താലൂക്കിൽ അമരമ്പലം എന്ന അംശത്തിൽ രണ്ടായിരം ഏക്ര വിസ്തീർണ്ണമുള്ള ''കരുള എസ്റ്റേറ്റ് ഫോറസ്റ്റ്'' എന്ന സ്ഥലത്തു 1946 നുശേഷം ഏതാണ്ട് പത്തു ലക്ഷം ഉറുപ്പിക വിലവരുന്ന മരം പോയിട്ടുണ്ടെന്നു ഗവർമ്മേണ്ട് റിക്കാർഡുകളിൽനിന്നുതന്നെ തെളിയുന്നുണ്ട്. 1951 മാർച്ചിൽ നിലമ്പൂർ സ്പെഷ്യൽ ആപ്പീസർ മലബാർ കലക്ടർക്ക് അയച്ച കത്തിൽനിന്നു ചില വരികൾ ഞാൻ ഇവിടെ വായിക്കാം:

'I beg to report that we noticed unauthorized felling and clearing and burning is going on in Valia Kithan Malai and Chieri Valia Kithan Malai of Kuralai estate forest. The owner of this land has applied for permission to clear, fell Valia Kithan Malai (97·11 acres) and the file is still under correspondence. Regarding Cheria Kithan area lying to the east of Kuzhalmunda paddy flat and contiguous to Valia Kithan Malai, the clear-felling is affected up to an area of 50 acres. The coolies working in the area refused to give their statements. I therefore request that the owner Mr. P. N. Venkatasubramanya Ayyar may be summoned to proceed with further action under Madras Preservation of Private Forests Act. These places are shown to the Special Assistant Conservator of Forests during inspection.'

''അങ്ങിനെ കലക്ടർ തൊട്ടു റേഞ്ചർ വരെയുള്ള ആളുകൾ അറിഞ്ഞിട്ടും എത്രയോ ഏക്ര സ്ഥലം വെട്ടി നശിപ്പിച്ചിട്ടും ഗവർമ്മേണ്ട് ഇതുവരെയായിട്ടും ഒരു നടപടിയും എടുത്തിട്ടില്ല. ഇതു് മിസ്റ്റർ കുമാരസ്വാമിരാജ പ്രധാനമന്ത്രിയായിരുന്ന കാലത്തു ഗവർമ്മേണ്ടിന്റെ ശ്രദ്ധയിൽ കൊണ്ടുവന്നിട്ടുണ്ട്. അതുകൊണ്ട് ഈ ഫോറസ്റ്റ് നിയമം നല്ലപോലെ ഗവർമ്മേണ്ട് പരിശോധിക്കണം എന്നു എനിക്കു അഭ്യർത്ഥനയുണ്ട്. അതിനാൽ ഇതു് സെലക്ട് കമ്മിറ്റിക്ക് അയക്കണമെന്ന് ഞാൻ ഗവർമ്മേണ്ടിനോട് അഭ്യർത്ഥിക്കുന്നു.''

* **The Hon. Sri M. A. MANICKAVELU NAICKER** :—'' Sir, the idea behind the amending Bill is to preserve the forest wealth in the districts of Malabar and South Kanara. I have already explained how the existing law is circumvented. Sri V. R. Krishna Ayyar said this was a sort of patch-work. I am also generally against patch-work. But I am constrained to do some patch-work, because of the peculiar situation in which we are

now in, with the impending partition of the State. A general and comprehensive Bill will take some time. After we put our house in order, we can go into that matter. But because I cannot bring in a comprehensive Bill, I should not be prevented from getting this Bill passed. If this Bill is delayed, the forests will be further denuded and destroyed. Suppose a family of six or seven members owns a forest area of about 500 acres, and the area is so divided among the members that each one gets less than 100 acres. The present Act does not apply to forests of less than 100 acres; this kind of division is made and the Act circumvented. To prevent this circumventing of the Act, I have brought forward this amending Bill. If we are to wait for a comprehensive Bill, more and more of the forests will be destroyed in the meantime."

SRI V. R. KRISHNA AYYAR:—"Sir, certain Bills were passed by this House this morning. There was a sense of urgency about them because the parent Acts are due to expire within a short period and the amending Bills had necessarily to be passed to extend the life of those Acts. There is no such urgency with regard to this Bill, because there is no prospect of immediate large-scale denudation of forests in Malabar. A Select Committee can be appointed to go into this Bill and make a report within one month. A Bill passed on the basis of such a report will certainly be better than the present patch-work. The provisions of the present Act are so vague that any Tom, Dick and Harry who cultivates even arable land can easily be prosecuted. On account of this vagueness, the provisions can be used by the Forest department, which is already corrupt, in an oppressive manner. Besides, the Bill is not so inoccuous. All the Members coming from Malabar have said that this Bill should be referred to a Select Committee. So I request the Hon. Revenue Minister to reconsider the matter."

* SRI VAVILALA GOPALAKRISHNAIAH:—"Sir, the impending partition of the State will not stand in the way if the Bill is referred to a Select Committee composed entirely of Members from Malabar."

* THE HON. SRI C. RAJAGOPALACHARI:—"Sir, first of all there is this territorial difficulty. But this may be overcome by taking in only Members coming from the areas to which the Bill relates. Is there a reasonable chance of the Select Committee meeting and making a report before we disperse? I do not think there is anything gained by appointing a Select Committee. If the hon. Members insist on a Select Committee, the Bill will have to be put off, because there is no time for the committee to consider the Bill and report before we disperse. In the meantime, the forests in Malabar and South Kanara will continue to be destroyed. What is there for the Committee to discuss beyond what has already been discussed?"

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SRI T. C. NARAYANA NABIAR :—" A Select Committee can be appointed with instructions to report before the conclusion of this sitting."

SRI N. GOPALA MENON :—" May I know whether any public interest will suffer by the delay entailed in referring the Bill to a Select Committee? "

THE HON. SRI C. SUBRAMANIAM :—" Then a Select Committee may be appointed with instructions to report by to-morrow morning. The names of Members will be given later."

SRI L. C. PAIS :—" Is it proposed to include only Members from Malabar? "

THE HON. SRI C. SUBRAMANIAM :—" Members from South Kanara also may be included."

THE HON. SRI C. RAJAGOPALACHARI :—" The Hon. Minister in charge of the Bill will select Members coming from the area to which the Bill relates. But it need not be put down as a rule, because that distinction would not be right.

" Sir, the instruction to the Select Committee may be that it should report by to-morrow afternoon instead of to-morrow morning."

MR. SPEAKER :—" The question is—

' That the Madras Preservation of Private Forests (Amendment) Bill, 1953, be referred to a Select Committee with instructions to the Committee to submit its report by the afternoon of to-morrow, 29th July.' "

The motion was put and carried.

MR. SPEAKER :—" The names of the Members of the Select Committee and the person nominated by me as Chairman will be announced later." (See page 1612 infra.)

(7) THE MADRAS ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) SECOND AMENDMENT BILL, 1953.

* THE HON. SRI M. A. MANICKAVELU NAICKER :— 1 p.m.
" Mr. Speaker, Sir, I beg to introduce the Madras Estates (Abolition and Conversion into Ryotwari) Second Amendment Bill [a], 1953, and move—

' *That the Bill be taken into consideration at once.*' "

SRI VAVILALA GOPALAKRISHNAIAH :—" Sir, I move the amendment standing in my name, namely—

' *That the Madras Estates (Abolition and Conversion into Ryotwari) Second Amendment Bill*, 1953, *be referred to a Select Committee.*' "

SRI K. GOVINDA RAO :—" I second it."

[a] Published in the *Fort St. George Gazette*, dated 1st July 1953.